



INTERNATIONAL TRADE REGULATION

PROFESSOR MICHAEL J. TREBILCOCK
HON. MR. DONALD MACDONALD

E: THESE MATERIALS ARE NOT TO BE CONSIDERED PUBLISHED, AND THIS
COMPILATION IS INTENDED SOLELY FOR TEACHING PURPOSES.

JANUARY, 1987.

Prepared with the assistance of:
Ms. Karey Lunau

PART I

LAW LIBRARY

JAN 22 1987

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

INTERNATIONAL TRADE REGULATION

PROFESSOR MICHAEL J. TREBILCOCK
HON. MR. DONALD MACDONALD

NOTE: THESE MATERIALS ARE NOT TO BE CONSIDERED PUBLISHED, AND THIS
COMPILATION IS INTENDED SOLELY FOR TEACHING PURPOSES.

JANUARY, 1987.

Prepared with the assistance of:
Ms. Karey Lunau

PART I



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

INTERNATIONAL TRADE REGULATION

INDEX

WEEK I: THE THEORY OF INTERNATIONAL TRADE

Robert Lekachman, A History of Economic Ideas, (1976) I- 1
McGraw-Hill, pp. 166 - 167.

J. David Richardson, Understanding International Economics: Theory and Practice, (1980) Little, Brown and Company, Chapter 8. I- 2

Richard G. Harris, Trade, Industrial Policy and International Competition, (1985) Royal Commission on the Economic Union and Development Prospects for Canada, pp. 17 - 56. I- 15

WEEK II: THE PROS AND CONS OF INTERNATIONAL TRADE

A. Economic

J. David Richardson, Understanding International Economics: Theory and Practice, (1980), Little, Brown and Company, pp. 282 - 313. II- 1

B. Political

Michael Trebilcock, The Political Economy of Economic Adjustment, (1986) Royal Commission on the Economic Union and Development Prospects for Canada, vol. 8, pp. 1 - 38. II- 21

WEEK III: AN OVERVIEW OF THE MAJOR INTERNATIONAL TRADING ORGANIZATIONS

A. History - Pre Bretton Woods

Richard N. Cooper, "National Economic Policy in an Interdependent World Economy", in John H. Jackson, ed., Legal Problems of International Economic Relations: Cases, Materials and Text, (1977), West Publishing Co., Minnesota, pp. 30-31. III-1

Gottfried Haberler, "Integration and Growth of the World Economy in Historical Perspective", in John H. Jackson, ed., Legal Problems of International Economic Relations: Cases, Materials and Text, (1977), West Publishing Co., Minnesota, pp. 31-32. III- 2

Peter B. Kenen, International Economics, (1971), Prentice-Hall, pp. 32-48. III- 3

John Whalley, Canadian Trade Policies and the World Economy (1985) Royal Commission on the Economic Union and Development Prospects for Canada, vol. 9, pp. 34-51. III-15

B. International Trading Organizations

i) Bretton Woods: The International Monetary Fund (IMF); The World Bank; and the General Agreement on Tariffs and Trade (GATT).

A.I. MacBain and P.N. Snowden, International Institutions in Trade and Finance, (1983), George Allen and Unwin Ltd., pp. 37-92 and 211-230. III-21

(a) The IMF III-21

(b) The GATT III-34

(c) The World Bank Group III-40

ii) Post Bretton Woods Developments: United Nations Conference on Trade Aid and Development (UNCTAD); The Generalized System of Preferences (GSP); International Commodity Agreements (ICA); The Organization for Economic Co-operation and Development (OECD); The European Economic Community (EEC); The Council for Mutual Economic Assistance (COMECON); The Multi-Fibre Arrangement (MFA).

A.I. MacBean and P.N. Snowden, International Institutions in Trade and Finance, (1983) George Allen and Unwin Ltd., pp. 93-172; 195-210; and 245-6. III-54

(a) UNCTAD III-54

(b) GSP III-58

(c) ICA III-61

(d) OECD III-66

(e) EEC III-73

(f) COMECON III-79

(g) MFA III-83

C. An Overview of the GATT

Kenneth Dam, GATT, (1970), University of Chicago Press III-84
pp. 17-24.

WEEK IV: TARIFFS

A. The Economic Effects of a Tariff

J. David Richardson, Understanding International Economics, IV- 1
(1980) Little, Brown & Company, pp. 268 - 282

B. The International Regulation of Tariffs

Kenneth W. Dam, The GATT, (1970) University of Chicago IV- 9
Press, pp. 25 - 78.

A.I. MacBean and P.N. Snowden, International Institutions IV- 43
in Trade and Finance, (1981) George Allen and Unwin,
London, pp. 83 - 91.

J.M. Finger, "Trade Liberalization: A Public Choice IV- 49
Perspective", in Ryan C. Amacher et. al., Challenges
to a Liberal International Economic Order, (1979)
American Institute for Public Policy Research,
pp. 421 - 452.

Warren F. Schwartz, "The Social Costs of Intervention", IV- 69
in John Quinn and Philip Slayton, eds., Non-Tariff
Barriers After the Tokyo Round, (1982) The Institute
for Research on Public Policy, pp. 79 - 102.

WEEK V: NATIONAL TARIFF ADMINISTRATION

John Quinn and Philip Slayton, "The GATT and the Deep V- 1
Structure of Customs Administration", in John
Quinn and Philip Slayton, eds., Non-Tariff Barriers
After the Tokyo Round, (1982) The Institute for
Research on Public Policy, pp. 237 - 260.

P. Slayton, J.J. Quinn, and J. Cassels, The Tariff V- 19
Board (1981) The Law Reform Commission of Canada.

WEEK VI: THE PRINCIPLES OF NONDISCRIMINATION :- MOST-FAVOURED
NATION AND NATIONAL TREATMENT

A. The Most Favoured Nation Obligation

Khursid Hyder, Equality of Treatment and Trade Discrimination VI-1
in International Law, (1968), The Hague, pp. 20-78.

B. The National Treatment Obligation

John H. Jackson, Legal Problems of International Economic VI-28
Relations: Cases, Materials and Text, (1977) West
Publishing Co., Minnesota, pp. 573-574, and 587-589.

GATT, Canada - Administration of the Foreign Investment VI-31
Review Act, Report of the Panel, (1983)

Donald S. MacDonald, "Canadian Industrial Policy Objectives VI-52
and Article III of GATT: National Ambitions and
International Obligations", (1981) Unpublished paper.

Claude G.B. Fontheim and R. Michael Gadbaw, "Trade-Related VI-55
Performance Requirements Under the GATT-MTN System
and U.S. Law", reference unknown.

WEEK VII: ANTIDUMPING

A. Policy Arguments, For and Against

Michael Trebilcock and John Quinn, "The Canadian VII-1
Antidumping Act: A Reaction to Professor Slayton",
[1979] 2 Canada - United States L.J. 101 - 117.

B. International Conventions on Antidumping

Shelley A. Lorenzen, "Technical Analysis of the Anti- VII-12
dumping Agreement and the Trade Agreements Act",
(1979) 11 Law and Policy in International Business
1405 - 1436.

C. National Antidumping Laws

i) World-Wide Antidumping Laws

John J. Barcelo III, "Antidumping as Barriers to Trade - VII-15
the United States and the International Dumping
Code", (1971-72) 57 Cornell L.R. 491 - 560.

ii) Canadian Antidumping Laws

Philip Slayton, The Anti-Dumping Tribunal (1979) Law VII-53
Reform Commission of Canada.

Klaus Stegemann, Report of the Policy Forum on Special VII-71
Import Measures Legislation, (1984) John Deutsch
Institute for the Study of Economic Policy, pp. 1 - 24.

WEEK VIII: SUBSIDIES AND COUNTERVAILING DUTIES

A. Theory of Subsidies

Warren F. Schwartz and Eugene W. Harper, "The Regulation VIII- 1
of Subsidies Affecting International Trade",
(1971-72) 70 Michigan Law Review 831-858.

John J. Barcelo III, "Subsidies, Countervailing Duties, VIII-16
and Antidumping After the Tokyo Round", (1977)
9 Law and Policy in International Business
779 - 853.

B. The GATT Codes

John J. Barcelo III, "The Two-Track Subsidies Code - VIII-36
Countervailing Duties and Trade Retaliation",
in John Quinn and Philip Slayton, eds.,
Non-Tariff Barriers After the Tokyo Round,
(1980), The Institute for Research on Public
Policy, Montreal, pp. 121 - 152.

C. National Laws

Gary N. Horlick, et. al., "A Manual of U.S. Trade Laws," VIII-54
(June, 1985), International Business Lawyer
249 - 259.

Part II

WEEK IX: SAFEGUARDS, VOLUNTARY EXPORT RESTRAINTS (VERS), AND
ADJUSTMENT ASSISTANCEA. International Safeguard Agreements

Nina Lister, "Issues in the Negotiations on the GATT
Safeguard Clause", (1986) Unpublished paper. IX-1

B. Voluntary Export Restraints

Robert W. Crandall, "Import Quotas and the Automobile
Industry: The Costs of Protection", (1984)
The Brookings Review (Summer), pp. 3 - 16. IX-33

C. Adjustment Assistance

Michael Trebilcock, The Political Economy of Economic
Adjustment, (1986), Royal Commission on the
Economic Union and Development Prospects for
Canada, vol. 8, pp. 293 - 349. IX-46

Robert Z. Lawrence and Robert E. Litan, "Living with
the Trade Deficit: Adjustment Strategies to
Preserve Free Trade", (1985) The Brookings
Review (Fall) pp. 3 - 13. IX-83

WEEK X: INTERNATIONAL DISPUTE RESOLUTION

Stathis Potamitis, "Dispute Resolution Under the GATT: Less
May be More", (1986) Unpublished Paper. X- 1

Robert E. Hudec, The Gatt Legal System and World Trade
Displomacy, (1975) New York, Praeger Publishers
Inc. pp. 216 - 229. X- 32

WEEK XI: DEVELOPING COUNTRIES AND THE GLOBAL TRADING REGIME

Isaiha Frank, Trade Policy Issues for the Developing Countries in the 1980s, (1981) World Bank Staff Working Paper No. 478, Washington, D.C. XI- 1

Martin Wold, "Managed Trade in Practice: Implications of the Textile Arrangements", in William R. Cline (ed.) Trade Policy in the 1980s, (1983) MIT Press, pp. 456 - 482. XI- 46

John Whalley, "The Developing Countries and the Global Trading Regime", (1986) Unpublished paper. [Not yet available, will be distributed in class].

WEEK XII: THE CANADA-U.S. FREE TRADE DEBATE

A. The Pros and Cons

i) Economic

Royal Commission on the Economic Union and Development
Prospects for Canada, Report, vol. 1, pp. 323 - 349. XII- 1

Richard G. Lipsey and Murray G. Smith, Taking the Initiative: Canada's Trade Options in a Turbulent World, (1985) C.D. Howe Institute, pp. 103 - 129. XII- 21

Mel Watkins, "Reservations Concerning a Free Trade Area Between Canada and the United States", in J. Whalley (ed.) Canada-United States Free Trade, (1985) Royal Commission on the Economic Union and Development Prospects for Canada, vol. 11, pp. 85 - 90. XII- 38

B.W. Wilkinson, "Some Comments on Canada-U.S. Free Trade", in John Whalley (ed.), Canada- United States Free Trade (1985) Royal Commission on the Economic Union and Development Prospects for Canada, vol. 11, pp. 91 - 102. XII- 42

ii) Political and Cultural

Richard G. Lipsey and Murray G. Smith, Taking the Initiative: XII-51
Canada's Trade Options in a Turbulent World, (1985)
C.D. Howe Institute, Chapter 6, pp. 89 - 102.

Royal Commission on the Economic Union and Development XII- 60
Prospects for Canada, Report, (1985) vol. 1,
pp. 350 - 367.

WEEK XIII: THE CANADA-U.S. FREE TRADE DEBATE CONTINUED

iii) Legal

Royal Commission on the Economic Union and Development XIII- 1
Propsects for Canada, Report, vol. 1, 1985,
pp. 302 - 322.

John Quinn, "Towards a New Legal Framework for Canada- XIII-18
U.S. Trade Relations", (1985) Unpublished paper.

Debra Steger, "The Impact of U.S. Trade Laws on Canadian XIII-79
Economic Policies", (1986) Unpublished paper.

WEEK XIV: THE REGULATION OF FOREIGN DIRECT INVESTMENT
AND THE TRANSFER OF TECHNOLOGY

John J. Quinn, "The International Legal Environment: XIV-1
An Overview", in J. Quinn (Research Co-ordinator)
The International Legal Environment, vol. 52
The Royal Commission on the Economic Union and
Development Prospects for Canada, 1985.
at 1. pp. 56 - 78.

J.P. Palmer and R.J. Aiella, "International Technology XIV-18
Exchange: An Economic Analysis of Legal
Proposals", in J. Quinn (Research Co-ordinator),
The International Legal Environment, (1985),
vol. 52, The Royal Commission on the Economic
Union and Development Prospects for Canada,
pp. 239 - 268.

A.E. Safarian, "Government Control of Foreign Business XIV-41
Investment", in John Whalley (ed.) Domestic
Policies and the International Economic Environ-
ment, (1986) vol. 12, The Royal Commission on
the Economic Union and Development Prospects
for Canada, pp. 7 - 56.

WEEK XV: THE FUTURE OF THE GLOBAL TRADING SYSTEM

- Gary Clyde Hufbauer and Jeffrev J. Schott, Trading for Growth: The Next Round of Trade Negotiations, (1985) Institute for International Economics, pp. 1 - 95. XV- 1
- Royal Commission on the Economic Union and Development Prospects for Canada, Report, vol. 1, 1985, Chapt. 5, pp. 279-296. XV- 56
- Richard G. Lipsey and Murray G. Smith, Taking the Initiative: Canada's Trade Options in a Turbulent World, (1985) C.D. Howe Institute, Chapter 4, pp. 53 - 71. XV- 69

